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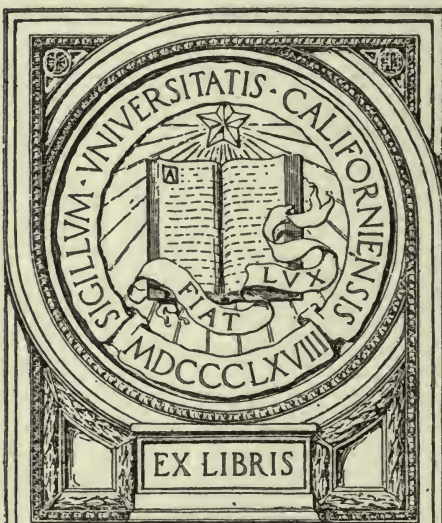
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THE  
School Laws  
OF  
South Dakota

Special Session 1920  
and  
Regular Session 1921



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**§ 7409. Powers and Duties.** 1. The State Board of Education shall have all necessary power to cooperate with the Federal Board of Vocational Education in the administration of said Federal Act, and in the administration of the Act providing for vocational rehabilitation of persons disabled in industry, which was accepted by the Governor on behalf of the State of South Dakota as authorized by the Legislature under date of November 27, 1920. It shall be the duty of the Board of Regents to designate one or more of the institutions of higher education under its control, in which shall be maintained classes for preparing teachers, supervisors and directors of agricultural subjects, teachers of trade, industrial and home economics subjects; to apportion the Federal Aid for preparing such persons to the institution or institutions so designated; and to apportion from the funds appropriated for the maintenance of such institution or institutions a sum equal to such Federal aid, such funds so apportioned to be used exclusively in the preparation of such teachers, supervisors and instructors as herein provided; and in other ways to cooperate with the State Board in carrying out the provisions of this Article.

2. The State Board of Education may approve upon the recommendation of the President of the Board, high schools which shall maintain departments for the teaching of vocational agriculture, home economics, and trades and industries. Provided, that the State Board of Education shall out of the monies hereinafter appropriated reimburse from Federal and State funds such schools as may be approved by the State Board of Education for the maintenance of departments in high schools for the teaching of vocational agriculture and home economics. Provided further, that the State Board of Education shall reimburse from said funds available such high schools as may maintain departments for the teaching of trades and industries under the regulations prescribed by the State Board, and the Federal Board of vocational education.

3. The aid so disbursed to the different schools of the State shall be divided equitably among the schools approved by the Board and shall not exceed the cost of maintenance of such department and shall in no way be used to defray the expenses of installation of permanent equipment.

4. The State Board of Education is hereby authorized and empowered to cooperate with the Federal Board for vocational education in the administration of the provisions of the Federal Act relating to vocational rehabilitation of persons disabled in industry or otherwise, and is empowered and directed to adopt rules and regulations relative to the qualifications of persons who may become beneficiaries of this Act; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise, and to provide for the supervision of such training. It shall also be the duty of the State Board of Education and the Industrial Commissioner of the State to formulate a plan of cooperation in accordance with the provisions of this Act and of said Act of Congress, such plan to become effective when approved by the Governor of the State.

5. The State Board of Education shall have authority to appoint upon the recommendation of the Superintendent of Public Instruction such officers and assistants as he may deem necessary to properly administer the Federal Acts and this Act of the State of South Dakota and to fix the compensation of such officers and assistants and to pay such compensation and necessary expenses of such officials and assistants from the funds as hereinafter provided. Provided further, that the Executive Officer of the State Board of Education shall receive a salary of six hundred (\$600.00) dollars a year for his services as such, payable in twelve monthly installments.

Source: Ch. 215, S. L. 1921.

**§ 7410. Appropriation, Custodian of Funds.** 1. The aid so disbursed to the different schools of the State and to persons who may become beneficiaries under the vocational rehabilitation act and all other expenses incurred in administering the provisions of this Act and of the aforementioned Federal Acts, shall be paid out of the funds of the Department of Public Instruction appropriated for that purpose and from the Federal funds allotted to the State of South Dakota for similar purposes. Provided, that not more than five thousand (\$5,000.00) dollars annually shall be paid from the aforementioned State funds for the administration of the provisions of this Act for purposes other than as State aid to schools.

2. The State Treasurer shall be custodian of all monies paid to the State from Federal appropriations for the promotion of vocational education, and shall disburse the same upon warrants from the State Auditor issued upon the certificate of the Superintendent of Public Instruction. The State Board of Education shall, on or before the last Tuesday in July authorize the Superintendent of Public Instruction to certify to the State Auditor the amount apportioned as State and Federal aid to each school approved under the provisions of this Act. The State Auditor shall upon receipt of such certificate draw warrants on the State treasury in favor of the secretary of the board of education or clerk of the school district for the sum so specified for the different school districts of the State approved by the State Board of Education.

3. Any claims for aid under the provisions of the Vocational Rehabilitation Act, and any claims for State and Federal aid from schools in excess of the appropriations provided for State and Federal aid for agriculture and home economics, which shall be incurred prior to July 1, 1921, shall be paid out of the funds of the Department of Public Instruction, appropriated as State aid to rural and consolidated schools for the fiscal year ending June 30, 1921.

No approval.

Source: Ch. 215, S. L. 1921.

**§ 7419. Mileage and Expenses.** In addition to the salary herein provided, the County Superintendent of schools shall receive payment for traveling and hotel expenses incurred in attending such meetings of the County Superintendents as may be convened by the Superintendent of Public Instruction; provided, that an itemized statement of such expenses, sworn to before a notary public and accompanied by receipts for all items in excess of two dollars (\$2.00) is presented to the County Auditor. He shall also be reimbursed by the county for the necessary traveling expenses incurred in the performance of his duties within the county at the rate of at least fifteen cents per mile for each mile traveled by automobile or horse-drawn vehicle, and five (\$.05) cents per mile for each mile traveled by railroad. Provided, that not to exceed eight dollars (\$8.00) expense shall be allowed in any one year for each and every school under the supervision of the superintendent. He shall furnish quarterly to the county commissioners an itemized statement of such mileage expense, subscribed and sworn to, which claims shall be audited and ordered paid by the board of county commissioners as are other claims against the county.

Source: Ch. 208, S. L. 1921.

**§ 7420.** In a county having fifty or more schools under the direct supervision of the county superintendent, the county superintendent may appoint an office deputy for whose acts as such he shall be responsible. Such office deputy may or may not possess the qualifications required by law for the county superintendent, but he must be at least fitted to do office work and must hold a valid teacher's certificate. In counties having one hundred (100) or more schools under the direct supervision of the county superintendent, the county superintendent may, in addition, appoint a field

deputy having the qualifications of the county superintendent for whose acts as field deputy the county superintendent shall be responsible. The office deputy shall receive a salary fixed by the county commissioners. The field deputy shall receive a salary fixed by the county commissioners of not less than seventy-five per cent of the salary of the county superintendent per month. Each deputy shall take and subscribe the same oath as his principal, naming his deputyship, which shall be endorsed and filed with his certificate of appointment. Provided, that when an office or field deputy is engaged at the minimum salary herein provided, the filing of such oath and certificate of appointment with the county auditor shall be construed as induction into office and the county shall be liable for his salary after date of such filing and until his services terminate. Provided, that no deputy shall be employed or paid under the provisions of this section unless the county superintendent shall at the same time devote his whole time to the office.

Approved March 12, 1921.

Source: Ch. 208, S. L. 1921.

**§ 7423. Supervision General and Direct.** The County Superintendent shall have general supervision of all the public schools in the County and direct supervision of all public schools in the county except in independent districts including a city of two thousand or more population. Provided such direct supervision shall not apply to independent districts in cities and towns of less than two thousand population which employ and maintain a superintendent for the schools of such independent districts.

Source: Ch. 52, Special Session 1920.

**§ 7446. Division of Districts.** Any common school district may be divided in the following manner: Plats shall be prepared showing the several districts into which it is proposed to divide such district. A petition shall then be circulated and signed by a majority of the electors of each proposed district, to which petition shall be attached the plat of the new districts to which such petition refers, in which petition it shall be stated that a division of the school district is desired in accordance with the attached plat. Each person signing such petition must add to his signature his place of residence by a legal description, his postoffice address and the date of signing. Such petition, having been circulated and signed, shall have attached thereto the affidavit of the person circulating the same, stating that the petition was signed in his presence by the persons whose names appear thereon at the time stated in such petition, and the petition so circulated and signed shall be filed in the office of the county superintendent of schools. If the petition filed as aforesaid contains the names of a majority of the electors of each of the proposed districts to which such petition refers, the county superintendent of schools, with the board of county commissioners, at the next regular April meeting of such board, shall proceed to divide such district in accordance with such petition and plat, if in their judgment such division ought to be made, and the county superintendent shall appoint temporary officers for each new district, who shall serve until the first annual school election and until their successors are elected and qualified. At the regular meeting of the board of county commissioners in July following such division, the board and the county superintendent shall make an equitable apportionment of the property and indebtedness, other than bonded, of the district among the new districts formed therefrom; provided that should there be any bonded indebtedness outstanding against the district, the county commissioners shall levy a tax annually, on the property of the new districts formed therefrom, sufficient to pay the interest and principal of the bonds as the same become due. The county treasurer shall apply such tax to the payment of such bonded

indebtedness, and when the bonds are paid and cancelled the county treasurer shall place the unused balance of such tax, if any, to the credit of the districts formed therefrom.

§ 2. A record of such joint action of the county superintendent and board of county commissioners shall be made in the minutes of the commissioners' proceedings, and an appeal may be taken by any aggrieved person or party from said action in the same manner and time as is now allowed by law to be taken from actions or decisions of the board of county commissioners.

Approved February 24, 1921.

Source: Ch. 207, S. L. 1921.

§ 7485. **Transportation.** When pupils reside more than two and one-half miles from the nearest school house in the school district and not to exceed three miles, the parent, guardian, or pupil shall receive from his school district ten cents per day for each pupil; if more than three miles and not to exceed four miles, twenty cents per day; if more than four miles and not to exceed five miles, thirty cents per day; if more than five miles, forty cents per day; provided, however, that in cases where more than one pupil from any family receives compensation under the provisions of this section, the total amount allowed for any one family shall not exceed twenty cents for traveling three miles or under, forty cents for traveling between three and four miles, sixty cents for traveling between four and five miles, and eighty cents for traveling five miles or more; provided, that such financial provisions shall be only for actual attendance at public school and conditioned that the district in no way furnish means of conveyance; provided, that when any pupil shall have passed the eighth grade, such pupil, his parents or guardian shall not receive payment for transportation to or from school. Provided, that when pupils reside nearer some school in another district, the School Board or Board of Education may make arrangements for the schooling of such pupils at such other school by paying tuition at a rate not to exceed the per capita cost per month of tuition in such other district for each pupil so enrolled unless some other rate be agreed to between the School Boards of districts concerned prior to the enrollment of any such pupil; such tuition to be computed from the time of enrollment until such pupil leaves such school permanently, or to the close of the school term, and such transportation as previously provided for in this section. Provided, further, the distance traveled by the most direct route, to be established by the District Board, subject to an appeal as provided for appeals from decisions of School Boards, relative to school matters, shall be the basis of computation. Provided, further, that no township or district shall expend more than Eight Hundred Dollars for transportation in any one year, provided, further, that payments may be made monthly or at the close of the school year in the discretion of the District Board, and if bills allowed are in excess of Eight Hundred Dollars, said sum of Eight Hundred Dollars shall be divided pro rata. Provided, further, that in any district in which a public school shall have been discontinued, it shall be the duty of the District School Board to make such provision as shall be determined by the County Superintendent for the schooling of the pupils who would ordinarily be in attendance at the school were it not discontinued. Provided, further, that in any district where children of school age shall live more than two miles from the nearest school within or without the district, and the parents or guardians of such children are not satisfied with the transportation provided by law, it shall be the duty of the District School Board to make such provision as shall be determined by the County Superintendent for the schooling of such children. If any parent or guardian be dissatisfied with the decision of the County Superintendent in such cases, then an appeal therefrom, may be taken to the Circuit Court of the

county in the manner provided by law for appeals from decisions of District School Boards.

Source: Ch. 206, S. L. 1921.

**§ 7490. Provision For Schooling of Children in Discontinued Schools.**

1. Any school in a common school district may be discontinued by the district board, provided proper arrangements are made for the schooling of all pupils of the district in other schools, if in the judgment of the district board such action is to the best interest of the pupils and the district. The school board may make arrangements for the transportation of the pupils in attendance at the school at the time of its discontinuance to such other school as it may determine, or it may pay for the lodging and board of such pupils in lieu of transportation. Provided, further, that if such pupils are assigned to schools outside the district, all tuition charges shall be paid from the funds of the district in which the parents of such pupils reside. Said tuition charges shall be the per capita expense of schooling the pupils in such other schools and shall be determined from the last annual report of the county superintendent of the county in which such school is located upon the basis of the enrollment in school for the previous year. Provided, that in case of such pupils attending a public school located in an adjoining state the district shall pay such tuition charges as may be approved by the county superintendent of schools. Provided, further, that any parent or guardian not satisfied with the arrangements made for the schooling of the children under their control may appeal to the county superintendent whose decision in the matter shall be final.

Source: Ch. 214, S. L. 1921.

**§ 7499. Annual Meeting of Board, Tax Levy.** At the annual meeting of the school district board in July of each year, it shall be the duty of the clerk and the treasurer to read their respective annual reports and the board shall verify them as herein provided. And such board by resolution shall levy such tax as the patrons shall have directed at the annual election, but it shall not be less than two mills nor more than fifteen mills on the dollar of the assessed valuation of the taxable property of the district. If any school district fails to hold in any school year at least eight months of school in any school house in the district, providing no legal discontinuance be had, it shall be the duty of the county superintendent to notify the county treasurer of all monies due such district from the apportionment fund (for the semi-annual term ended the 30th day of June of the preceding year), which amount shall remain to the credit of such district and no warrant shall be drawn therefor until such district shall have complied with the law, unless the district board made provision for the instruction of the pupils for the required time in some other school. In case of failure in any district to levy a tax sufficient to support a school for the number of months above named, or in case of a levy below the minimum tax herein provided, the board of county commissioners shall levy a tax on the property of the district sufficient for these purposes; provided, that in case any district board shall fail or neglect to engage a duly certified teacher and suitably provide for the maintenance of and maintain a school for at least eight months in any one year, ending the first day of October, in any school house in the district, no legal discontinuance being authorized, and shall fail to provide reasonable school facilities for all the children of school age in the district, the Superintendent of Public Instruction may, in his discretion, instruct the county superintendent to enter into a contract with a qualified teacher for such school, which contract so made shall be of the same force and effect as a contract made by the district board, and the teacher employed thereunder shall be paid out of the funds belonging to

the school district and the school board shall issue warrants for the payment of the salary of such teacher.

Approved March 1, 1921.

Source: Ch. 209, S. L. 1921.

**§ 7517. Tuition of Non-Resident Pupils in High School.** 1. Any pupil who shall successfully complete the work of the eighth grade as established in the State Course of Study, and who holds a common school diploma granted by the county superintendent, or other eighth grade diploma endorsed by him, is privileged to continue his school work up to and including the twelfth grade by attending any public high school or State educational institution of this State, or adjoining State, furnishing a higher course of study than that offered by his home district without payment of any tuition except for laboratory fees or for individual instruction outside of regular school hours. Provided, that the school district or State educational institution in which such pupil is enrolled as a high school student, shall be compensated by the school board of his home district for such instruction as hereinafter provided.

2. The county superintendent shall determine the actual per capita cost per month of schooling a student in each of the high schools in the county for the preceding year, from the annual reports on file in his office. Such per capita cost shall be arrived at by dividing the grand total under "cost of high school maintenance" by the number of pupils as per school census of pupils who have passed the eighth grade enrolled and dividing this quotient by the number of months that school was in session. The per capita monthly cost thus determined shall be the legal tuition which such district may charge non-resident pupils. The county superintendent shall notify the clerk of the board of each school district maintaining a high school in his county, of the amount of such tuition and it shall be the duty of such clerk to collect semi-annually all tuition fees due a district from the school district having pupils attending the high school in his district. Provided, that if payment is not made within a reasonable time by any district, the clerk of the district to whom tuition fees are due, may present a duplicate bill, duly sworn to before a notary public, to the county auditor of the county in which such pupil resides who shall, upon approval of such claim by the county superintendent, issue a warrant upon the county treasurer for the amount of the claim, which amount shall be charged against the funds belonging to said district in the hands of the county treasurer. Provided, that where such attendance shall be in a public high school or State educational institution located in an adjoining state, the board shall pay such tuition as shall first be approved by the county superintendent of schools.

3. Provided, that for the purpose of interpreting the provisions of this Act and all other Acts relating to the payment of tuition for the schooling of non-resident pupils, a child shall be considered a resident of the school district in which his parents, guardian or persons sustaining the relation of loco parentis, resided at the time of the official enumeration of the last school census.

4. Provided, further, that all questions relative to the payment of tuition not specifically covered by the provisions of this Act, shall be referred to the County Judge of the county in which the school district making the claim for tuition mainly lies, and it shall be the duty of said County Judge to decide such case upon a fair and equitable basis.

Approved March 12, 1921.

Source: Ch. 214, S. L. 1921.

**§ 7546. Powers Common to all Boards.** Such Board of Education shall have power:

1. To organize and amintain a system of graded schools, to establish a high school whenever in its opinion the interests of the school corporation demand the same, and to exercise control over the schools and school corporation.

2. To levy an annual tax on all taxable property within the district for the support of schools of the corporation for the fiscal year next ensuing, not exceeding the amount limited by law.

3. To borrow money by issuing bonds as hereafter provided.

4. To erect suitable cottages or dwellings for teacher's homes.

**Source:** Ch. 49, Special Session 1920.

#### **§7550. Teachers in Districts of Ten Thousand or More Population.**

Such committee, in districts having ten thousand or more population, shall have power to examine teachers for their own schools, and to issue certificates authorizing persons to teach therein, in accordance with such rules as may be adopted by the Board of Education. Such certificates shall be in addition to the regular teachers' certificates required by law to teach in the public schools in this state. The examination papers and certified copies of credentials upon which these certificates are issued shall be kept on file in the office of the Clerk of the Board of Education.

**Source:** Ch. 52, Special Session 1920.

**§ 7551. Teachers in Independent Districts.** In all independent districts no superintendent or principal shall be employed who does not hold a valid South Dakota certificate for the grade or special subjects taught; and any contract made in conflict herewith shall be void; provided, that nothing herein shall be so construed as to prevent the Board of Education in any such district, from imposing such additional tests as to the qualification of teachers as it may deem expedient.

**Source:** Ch. 52, Special Session 1920.

**§ 7564a.** The School Treasurer of each Independent School District shall receive a salary for his services as such Treasurer, to be fixed and determined by the Board of Education.

**Source:** Ch. 51, Special Session 1920.

**§ 7567. Tax Levy.** The board of education shall, on or before the fifteenth day of August of each year, levy a tax for the support of the schools of the corporation for the fiscal year next ensuing, not exceeding in any one year twenty-five mills on the dollar of the assessed valuation of all taxable property within the district and which levy the clerk of the board shall certify to the county auditor, who is authorized and required to place the same on the tax roll of the county, to be collected by the county treasurer as the taxes of the county, and paid over by him to the treasurer of the school district, of whom he shall take a receipt in duplicate, one of which he shall file in his office and the other he shall transmit to the clerk of the Board of Education. And such receipt shall show the proportionate amounts belonging to the several funds of the board of such school district, apportioned by the treasurer thereof according to the relative amounts levied by such board for the current year.

**Source.** Ch. 50, Special Session 1920.

**§ 7569.** It shall be lawful for two or more School Districts of any kind to consolidate, either by the formation of a new district or by annexation of one or more districts to an existing district in which is maintained a graded school or high school authorized by law. An existing district of any kind may organize as a consolidated district; a portion of any

existing district may organize as a Consolidated District, or may consolidate with any one or more existing districts or with part or parts of same by the formation of a new district; and an Independent School District and any part or all of any one or more other School District or Districts may organize as a Consolidated District under the provisions of this act and of Chapter 5 of the Revised Code of 1919. For the purpose of improving the school system of this State and encouraging industrial training, including the elements of agriculture, manual training and home economics, a centralized system of schools shall be established and maintained in every Consolidated School District organized under the provisions of this act.

§ 2. That all acts and proceedings relating and pertaining to the organization and incorporation of any consolidated School District organized and attempted to be made, organized and incorporated under the provisions of Chapter 5 of the Revised Code of 1919, formerly Chapter 194, Laws of 1913, and acts amendatory thereof are hereby legalized and validated, as of the date when said Consolidated School Districts were organized and incorporated under said laws, notwithstanding any irregularity or errors, omissions or defects, clerical in law or otherwise, in the organization and incorporation thereof, or any defect, ambiguity or omission, want or lack of power in the Statute authorizing such organization and incorporation; and in all cases where a former Independent School District and any part or all of any one or more other School District or Districts have proceeded to organize as a consolidated district, all proceedings relating or pertaining thereto, are hereby legalized and validated as of the date of any such organization or incorporation, notwithstanding any errors, omissions or defects in the organization or incorporation thereof, or any defect, ambiguity or omission, want or lack of power in the Statute authorizing such organization and incorporation; and all said Consolidated School Districts are hereby declared to have existed as Independent Consolidated School Districts under the laws of the State of South Dakota since said organization and incorporation, and composed of the territory described and defined in the proceedings for consolidation and incorporation, and all acts of the officers of said State or County or School Districts and all proceedings for bonding and taxation and for school purposes had therein relating to Independent Consolidated School Districts, are hereby ratified, legalized and validated, notwithstanding any errors, omissions or defects, ambiguities, clerical or otherwise, or want or lack of power in the Statutes, in the organization and incorporation of said districts.

Source: Ch. 47, Special Session 1920.

§ 7570. Subject to Approval of Superintendent of Public Instruction. Before any steps are taken in organizing a consolidated school district, the superintendent of the county in which the major portion of the territory is situated, from which it is proposed to form such district, shall cause a plat to be made showing the size and boundaries of the new district, the location of the school houses in the several districts, the location of transportation routes, together with such other information as may be essential. The county superintendent shall then arrange for a meeting of all of the officers of the school districts affected, at some convenient meeting place for the purpose of discussing and proposing such changes or modifications in the plat as may seem necessary, and such changes or modifications proposed at this meeting shall then be submitted, together with the plat to the Superintendent of Public Instruction, who shall approve, modify or reject the plan so proposed and certify his conclusions to the county superintendent of schools.

Source: Ch. 201, S. L. 1921.

**§ 7571. Proceedings to Perfect Consolidation.** After approval by the Superintendent of Public Instruction of the plan for the formation of a consolidated school district, and upon presentation to the county superintendent of a petition signed by at least twenty-five per cent of the electors of each district affected, qualified to vote at school meetings, the genuineness of whose signature shall be verified by the affidavit of the person who circulated such petition, asking for the formation of a consolidated school district in accordance with the plan approved by the superintendent of public instruction, the county superintendent shall within ten days, cause ten days' posted notice to be given in each district affected and one week's published notice, if there be a newspaper in such district, of an election or special meeting to be held within each of the several school districts affected, part or all of which is included in such proposed consolidated school district, at a time and place specified in such notice, upon the question of such consolidation. At such meeting or election the chairman, clerk and treasurer shall be the officers of the meeting or election and the meeting or election shall be conducted as are regular annual school meetings. The vote at such election or meeting shall be by ballot which shall read "For consolidation" or "Against consolidation." The county superintendent shall furnish to each school district clerk, uniform blanks and ballots for such election and for making proper returns of said election. The officers of such meeting or election shall within ten days certify the result of the vote to the superintendent of the county in which such district mainly lies. When such proposed consolidation affects only common schools, and a majority of the total combined votes cast in all of the school districts affected by such proposed consolidation, are for consolidation; or when such proposed consolidation affects an independent school district and one or more common school districts, and a majority of the votes cast in said independent district, and a majority of the total combined votes cast in all of the common school districts affected by such proposed consolidation, are for consolidation, the county superintendent within ten days thereafter shall make a proper order to give effect to such vote and shall thereafter transmit a copy thereof to the auditor of each county in which any portion of each district affected lies, to the clerk of each district affected, and to the Superintendent of Public Instruction. If the order be for the formation of a new district it shall specify the number of such district. The county superintendent shall also cause ten days' posted notice and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect five members of the board of education and a treasurer of the newly formed consolidated school district; and such consolidated district shall, upon its formation become an independent district with the powers and duties of, and be governed by the laws relating to independent districts.

Approved March 1, 1921.

Source: Ch. 201, S. L. 1921.

**§ 7577. Power to Purchase Land.** Authority is expressly given to the school board of each consolidated school district to purchase any land which may be necessary for school house sites and to provide the demonstration plat necessary to meet the requirements of law governing such district and the same shall be and become the property of such district forever; provided, that in case it is necessary to expend more than two hundred dollars for the purchase of additional lands, the question of purchasing such lands shall be first submitted to a vote of the voters of such district, and if a majority of the voters voting at any regular meeting of such district, or at any special meeting of such district called according to law for that purpose, shall vote in favor of buying the additional land, the board shall at once proceed to purchase the same; in case the school board

is unable to agree with the owners of such land on the purchase price thereof, the board is authorized to damage, acquire and condemn such private property for the public purposes authorized by this act and to pay for such damage and condemnation out of any funds available for that purpose as hereinbefore provided. When such board shall deem it necessary to take, damage and condemn any private property for any of the purposes authorized by this statute, it shall by proper resolution declare the necessity of such damaging, taking or condemnation, stating the purpose and extent thereof, and thereupon the proceedings to take, damage or condemn such property shall be had, as provided in Chapter 8, Part 9, Title 2, of the South Dakota Revised Code of 1919 in the name of the School District as plaintiff; provided, also, that whenever the land so selected is common school or endowment lands, it shall be lawful for the governor and commissioner of school and public lands to convey title thereto in the manner now provided by law for conveying title to school house sites, in tracts of from two to ten acres inclusive.

**Source:** Ch. 48, Special Session 1920.

**§ 7602. Authorized.** Boards of Education of Independent School Districts are authorized and empowered to issue negotiable bonds in the manner hereinafter provided for the following purposes.

1. To refund bonds that may be outstanding.
2. To fund outstanding warrants.
3. To raise money for the purpose of a site or sites and the erection of suitable buildings for school purposes, and suitable cottages or dwellings for teachers' homes.

**Source:** Ch. 49, Special Session 1920.

**§ 7618. County Text Book Committee.** The county superintendent of schools, the chairman of the board of county commissioners, the county auditor and two rural teachers who are permanent residents of the county, to be selected by the board of county commissioners, at their regular meeting in April, shall constitute a county text book committee for the purpose of selecting and adopting all the text books needed for use in the public schools of the county, except as otherwise provided herein. The county superintendent of schools shall be the chairman of said committee, and the county auditor shall be the secretary, and a majority of such committee shall constitute a quorum for the transaction of business.

**Source:** Ch. 212, S. L. 1921.

**§ 7619. Meeting of Committee.** Such committee shall meet at the office of the county superintendent of schools on the second Tuesday of June, 1922, and every five years thereafter, and select and adopt a complete series of school text books to be used in the schools of the county: Provided, nothing in this article shall be construed to prevent any County Text Book Committee from selecting a series of text books from two or more publishers. The County Text Book Committee shall advertise for twenty days in the official newspapers published in each county that at a time and place named in the notice said committee will receive sealed bids for furnishing school books to the pupils of the public schools of the county as provided in this article for a term of five years.

**Source:** Ch. 212, S. L. 1921.

**§ 7620. Selecting Text Books.** Before selecting and adopting school text books in accordance with the provisions of this article it shall be the duty of such committee to take into consideration the books used in the county, and all books submitted by the publishers, and to most carefully consider the price, the type, the material and the binding and other items

that go to make up a desirable text book, and no text book shall be adopted the price of which is above the contract or wholesale price at which such books shall have been furnished to any other state, county or school corporation in the United States during the year previous to such adoption, and should any publisher reduce the contract price of books to any school corporation within the United States below the contract price entered into by such text book committee, such publisher shall reduce the price accordingly to each school corporation within the State of South Dakota.

Source: Ch. 212, S. L. 1921.

§ 7621. **Notice of Meeting.** The county superintendent shall notify each member of the County Text Book Committee, in writing, of the time and place of meeting at least twenty days before the date of such meeting, and he shall prepare and furnish such information as shall assist the committee in acting for the best interests of the people.

Source: Ch. 212, S. L. 1921.

§ 7622. **Contract For Books.** The board of county commissioners shall contract with the publishers of such books as have been adopted by the County Text Book Committee, designating the price at which such books shall be furnished, and they shall pay for the books and transportation of the same, so contracted for, out of the general fund of the county on warrants signed by the county auditor and countersigned by the chairman of the board of county commissioners, and all receipts received from the sale of books to the individual school districts of the county by the county auditor shall be credited to the general fund of the county.

Source: Ch. 212, S. L. 1921.

§ 7626. **Purchase of Books.** All books for the several school districts of the county shall be purchased by the county in compliance with the contract entered into by the Board of County Commissioners and shall be paid for out of the county general fund. The County Auditor shall be designated by the Board of County Commissioners as purchasing agent, who shall order and keep on hand a sufficient number of each text of books to supply each pupil in the schools of the county, which books shall be furnished to all pupils free of cost in the following manner: The clerk of the school district board, or the secretary of the Board of Education, in each independent district, shall ascertain what books are needed in the school, or schools, in his district from time to time and order the same from the county auditor, who shall furnish such books. Thereupon the county auditor shall charge the cost of such books to the school district ordering the same and if the school district does not pay for the same at the time of ordering, the county auditor shall charge the same to the school district and deduct the amount from the first installment of the school fund money belonging to said district and give the school district credit for the same.

Provided, however, that in counties where the county superintendent of schools is provided with a permanent office deputy he shall keep the office open at all times during office hours, and the superintendent shall have the custody of text books for distribution to the districts of the county, and in such distribution it shall be the duty of the county superintendent of schools to make a complete report to the county auditor each week showing in detail the books sold and delivered, showing names of persons and names or numbers of school districts receiving the same, together with number of each kind of book sold or delivered, the price of each and the aggregate amount of such sale, and if any such books are sold for cash, it shall be the duty of such county superintendent of schools

to turn such cash over to the county auditor with each such report, as above provided, and upon the receipt of such a report the county auditor shall proceed as above provided in this section.

Approved March 12, 1921.

Source: Ch. 213, S. L. 1921.

**§ 7629. Bribery Prohibited.** No school teacher, teaching within the county, school officer or member of any school board or committee, shall be allowed to receive any emolument, in cash or otherwise, from any publisher, or publishers, of school books in payment for a vote, or a promise to vote, or use his influence for any book or books to be used in the schools under his charge, or within the county, nor shall any agent or other person be allowed to give or offer any emolument as heretofore described, or promise of work or other inducement to any teacher, teaching within the county, school officer or member of any school board or committee for any vote, or promise to vote, or to use his influence for any book or books to be used in the schools under his charge: provided, that nothing in this section shall be construed to prevent any member of the text book committee from receiving a reasonable number of sample copies for investigation with a view to obtaining information as to the book or series of books for which such text book committeeman shall cast his vote; provided, further, that nothing in this section shall be construed to prevent any teacher from obtaining employment from any publishing house to work in any other county in the interests of such publishing house. Any person violating any of the provisions of this section shall be deemed guilty of misdemeanor.

Source: Ch. 212, S. L. 1921.

**§ 7630.** The board of education of any independent district maintaining a four-year high school course may adopt and purchase all the text books for any such independent district for a duration of time as may be decided by such board and furnish the same to the pupils of such district free as now provided by law, and pay for same out of the special school funds of such district.

Approved March 12, 1921.

Source: Ch. 212, S. L. 1921.

**§ 7642. General Requirements.** 1. Every person having under his control a child of the age of eight years and not exceeding the age of seventeen years, shall annually cause such child to regularly attend some public or private day school for the entire term during which the public school in the district in which such person resides, or the school to which such child is assigned to attend, is in session, until the child shall have completed the first eight grades of the regular common school course, or shall have completed a course in a private day school equivalent to the first eight grades of the regular common school course, or shall have reached the age of seventeen years, unless excused as hereinafter provided.

2. **Truancy Officers.** The county superintendent shall be ex-officio county truancy officer and shall be charged with the enforcement of the compulsory school laws in all school districts of the county which do not employ a special truancy officer, and shall have general supervision over all other truancy officers. Each truancy officer, including the county superintendent, shall carefully check the attendance and non-attendance of all persons required by law to attend school in the district or districts within his jurisdiction, and shall keep an accurate record of those persons not in attendance is irregular. The board of education of each independent school district shall each year appoint and provide for the remuneration of a truancy officer, whose duty it shall be, under the direction of such board of education and its superintendent, to enforce the compulsory attendance

laws within such district. Provided, that in any independent school district which shall fail to provide such truancy officer, the president of the board of education shall act as truancy officer and shall be held responsible for the enforcement of the compulsory attendance laws within such independent district. All truancy officers provided for in this Article shall have the powers of a deputy sheriff in the exercise of their duties, and shall apprehend without warrant children of compulsory attendance age who habitually haunt public places and have no lawful occupation, and truant children who absent themselves from school without leave, and place them in charge of the teacher having charge of the school in which such children are by law entitled to attend. Provided, that in the administration of their duties, all truancy officers, including the county superintendent, and boards of education, shall be subject to the general supervisory control of the State Department of Public Instruction.

3. **Excuses From Attendance.** The county superintendent shall have authority in all schools under his direct supervision, and the board of education in all independent school districts employing and maintaining a superintendent for the schools of such independent district shall likewise have power, to excuse a child from school attendance for the following reasons:

(a) Because of serious illness in his immediate family, making his presence at home an actual necessity, or his presence in school a menace to the health of the other pupils.

(b) Because the child is otherwise instructed by a competent person and for a like period of time in the branches commonly taught in the public schools; provided, that all such instruction shall be given only and entirely in the English language. The county superintendent shall be the judge as to the competency of such instruction and the child so instructed shall take such examination as the county superintendent may require, and reports covering his work shall be filed with the county superintendent in such form and as often as that officer may require.

(c) Because the physical or mental condition of the child is such as to render his attendance at school unsafe, impracticable or harmful either to such child or to others; provided, that the existence of such condition is evidenced by the certificate of a reputable physician, dentist or any other person who may lawfully treat sickness or disease under the laws of the state.

(d) Because the child, as declared by a reputable physician, is mentally or physically defective and cannot receive proper instruction in the common schools, in which case, suitable provision shall be made for the instruction or training of such child by a private instructor or in an institution adapted to the instruction and training of such defectives. Provided, in the event that a blind, deaf or feeble-minded child is not given such instruction, it shall be the duty of the truancy officer to institute action in the county court for the commitment of such child to the State institution maintained for such defectives, unless such child shall be excused from attendance by the superintendent of such institution.

(e) Between April 1st and November 1st, should there exist an extreme need for the child's assistance at home, he may be excused from attendance at school for a period of not to exceed forty school days; provided, that such child shall have completed the sixth grade of the common school course or its equivalent.

(f) Provided, that all applications for excuse from school attendance shall be in writing, and if granted, a certificate shall be issued by the superintendent of schools having jurisdiction over the district in which the child resides, stating the reason for such excuse and the period for which it is issued. Provided, further, that any reputable citizen who is dissatisfied with the decision of the county superintendent or board of education, as

the case may be, may appeal the matter to the Superintendent of Public Instruction, whose decision shall be final. A permanent record of all such certificates of excuse shall be kept by the county superintendent and by the clerk of the board of education, and duplicates forwarded to the Superintendent of Public Instruction at the time of issue, and the teacher of the school to which such child belongs shall be promptly notified of the issuance of such certificates.

4. **Reports and Notices.** (a) Each teacher in the county under the direct supervision of the county superintendent shall keep an accurate record of the attendance or non-attendance of all persons of compulsory school age who are or should be enrolled in her classes. She shall report the names of all persons of compulsory school age not in attendance or whose attendance is irregular, with reasons for same if known, promptly every two weeks to the county superintendent on blanks provided for that purpose.

(b) It shall be the duty of teachers, members of boards of education and district school officers to warn parents or persons in control of children of compulsory school age to cause such children to enter school and attend regularly, and to report them to the truancy officer for such district if such warning is not heeded, and all school officers, superintendents and teachers shall cooperate in the enforcement of the school attendance laws.

5. **Delinquency.** Any child of compulsory school age who habitually absents himself from school without legal excuse, or who refuses to attend school, or who by boisterous acts or language or wilful disobedience seriously interferes with the discipline and management of a school, shall be deemed a delinquent child, and action shall be instituted against him by those charged with the enforcement of the compulsory attendance laws, in the proper court.

**Source:** Ch. 199, S. L. 1921.

§ 7643. **Method of Enforcement.** 1. It shall be the duty of all truancy officers to make and file complaints, and any teacher, school officer, or any reputable citizen may make and file such complaint, before the county court, against any person having control of a child of compulsory school age who is not attending school or whose attendance is irregular, or who has been guilty of habitual truancy; and such complaint shall state the name, if known, of the father or mother of such child or the survivor of them, and if the father or mother is not living or cannot be found in the county or if their names cannot be ascertained, then the name of the legal guardian, and if there be none, then the person who in the judgment of the complainant is responsible for the control of the child. Such complaint shall be verified by oath upon belief of the complainant. Upon the filing of such complaint, the judge of the county court shall forthwith cause to be issued a warrant of arrest to the sheriff of the county directing him to bring such parent, guardian or person before the court and to summon such witnesses as may be necessary to ascertain the facts in the case. Provided, that if such complaint shall contain a statement to the effect that the complainant believes that the county judge of such county is personally interested in the subject thereof, or is otherwise disqualified, or that in the opinion of the complainant, a fair and impartial hearing and determination of the subject matter of said complaint cannot be had before said county judge because of the interest, prejudice or bias of said county judge, then said complaint may be addressed and presented to the circuit judge of the circuit in which said county is located, who shall thereupon have jurisdiction, and whose duty it shall then be, to forthwith proceed in said matter in accordance with the provisions of this Section. And after such a complaint shall have been filed by any person other than the county superin-

tendent or Superintendent of Public Instruction, the State shall have the right to change the venue thereof to the circuit court upon the filing of a proper affidavit declaring interest, prejudice or bias on the part of the county judge as aforesaid.

**2. Penalty.** (a) Any person having control of a child of compulsory school age who fails to cause such child to attend school as herein required, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty (\$50.00) for the first offense. For each subsequent offense he shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisonment in the county jail for not less than ten days nor more than thirty days, or both such fine and imprisonment in the discretion of the court, and shall stand committed until such fine and costs are paid. Provided, that such fine shall be paid to the county treasurer and by him credited to the school fund of the county in which the convicted person resides.

(b) Any county superintendent who shall wilfully neglect to perform his duties as truancy officer; any teacher who shall fail to make prompt reports on attendance and non-attendance as required by law; any person who shall harbor or employ a child of compulsory school age not legally excused during the school term; the members of any school board or board of education that shall wilfully neglect or refuse to provide school facilities for children of their school district for at least eight months during the school year, or that wilfully neglect to perform any other duties enumerated in this Article; any truancy officer who shall wilfully neglect to perform the duties of his office; or any person who shall hamper or hinder a child of compulsory school age from attending a school which meets all legal requirements or who knowingly or wilfully interferes or attempts to interfere with such attendance, shall be guilty of a misdemeanor and shall be subject to the same penalty as parents who violate the requirements of this Article.

**3. Superintendent of Public Instruction Charged with Enforcement.** The Superintendent of Public Instruction, or his authorized agent, is hereby charged with the general enforcement of the provisions of this Article, as well as all laws of this State relating to compulsory attendance of persons of school age, and in the performance of such duties shall have the same powers and privileges herein granted to truancy officers.

**Source:** Ch. 199, S. L. 1921.

**§ 7644. Supervision of Private Instruction.** All private school instruction and all private instruction accepted in lieu of public school instruction shall first be approved by the county superintendent, who shall exercise supervision over such schools and such instruction, and shall exercise the right of visitation and inspection thereof and may revoke his approval of such instruction at any time, and such schools shall make all reports to the county superintendent concerning attendance as are required of public schools; provided, that any person aggrieved by the decision of the county superintendent in the exercise of such supervision may appeal to the Superintendent of Public Instruction, whose decision shall be final. Provided, that no person shall be permitted to teach in any private school any of the branches prescribed to be taught in the public schools unless such person shall hold a certificate entitling him to teach the same branches in the public schools of this State. Provided, further, that every instructor in any public or private school, every school officer, and every other person, who shall violate the provisions of this Section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor

more than one hundred dollars (\$100.00) and in addition thereto such violation shall be sufficient grounds for revocation by the Superintendent of Public Instruction of any teacher's certificate held by anyone so violating the provisions hereof. All fines collected under this Section shall be paid to the county treasurer and by him credited to the county general school fund.

Approved February 24, 1921.

Source: Ch. 199, S. L. 1921.

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## CHAPTER 205, SESSION LAWS 1921

### STATE AID FOR RURAL AND CONSOLIDATED SCHOOLS

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Section 1. That Section 1 of Chapter 49 of the Session Laws of 1919 is hereby amended to read as follows:

§ 1. For the purpose of improving and standardizing educational facilities in the rural and consolidated schools of the State, and to create better hygienic and sanitary conditions therein, the Superintendent of Public Instruction is hereby authorized and required to apportion State Aid to schools which shall measure up to the standards prescribed under the provisions of this Act. All allotments of State Aid to schools under the provisions of this Act shall be paid out of the funds of the Department of Public Instruction appropriated for that purpose. Provided, that any unexpended balance remaining in the fund already appropriated as provided in Chapter 49 of the Session Laws of 1919 shall not revert to the general fund, but shall be carried forward into the State Aid funds of the Department of Public Instruction provided for the biennium ending June 30, 1923. Provided, that this Act shall not be construed as repealing any appropriation made in Chapter 49 of the Session Laws of 1919 for the fiscal year ending June 30, 1921.

That Section 2 of Chapter 45 of the Session Laws of 1919 be amended to read as follows:

§ 2. For the purpose of distributing State Aid, school districts shall be classified as State Rural Schools and State Consolidated Schools. The amounts hereinafter specified shall be distributed annually to school districts which shall comply with the provisions of this law as hereinafter provided.

That Section 7 of Chapter 49 of the Session Laws of 1919 be amended to read as follows:

§ 7. Amount and Method of Apportionment. On or before the first day of June of each year the Superintendent of Public Instruction shall apportion to each of the schools which have fully complied with the provisions of this Act and such additional rules as may be prescribed by the Superintendent of Public Instruction, in the following amounts: To State Rural Schools, the sum of one hundred fifty (\$150.00) dollars; to First Class State Consolidated Schools, the sum of four hundred (\$400.00) dollars; to Second Class State Consolidated Schools, the sum of two hundred fifty (\$250.00) dollars; and to State Consolidated High Schools, the sum of six hundred (\$600.00) dollars; to any school district which shall erect a suitable cottage as a teacher's home according to the plans and specifications approved by the Superintendent of Public Instruction, the sum of five hundred (\$500.00) dollars upon completion of the building. Provided, however, that in case the amount appropriated and available shall not be sufficient to pay the amounts specified above, then the amount available

shall be apportioned pro rata among the schools thereto, and any monies under this Act shall be used solely to increase the efficiency of such schools. Provided, that not more than two schools of each class in any one township shall receive State Aid under the provisions of this Act.

Approved March 12, 1921.

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## CHAPTER 202, SESSION LAWS 1921.

### RELATING TO ABANDONMENT OF CONSOLIDATED SCHOOLS

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Section 1. - That Chapter 171 of the Session Laws of 1919 is hereby amended to read as follows:

§ 1. That in all school districts in which an election has been held for the purpose of forming a "Consolidated School District" and in which no building or buildings have been erected or purchased and in which no bonds have been issued since the consolidation of said district, and election may be called and held, as hereinafter provided, after the expiration of one year from the consolidation of such district or districts, for the purpose of determining whether the consolidation of such district or districts shall be abandoned, and said district or districts reorganized as common school districts.

§ 2. Upon presentation to the county superintendent of a petition signed by at least forty (40) per cent of the electors of any such Consolidated School District, qualified to vote at school meetings, the genuineness of whose signatures shall be verified by the affidavit of the person who circulated such petition, asking for the abandonment of such Consolidated District, the county superintendent shall within ten (10) days cause twenty (20) days' posted notice to be given in such Consolidated School District and one (1) week's published notice, if there be a newspaper in such district, of an election to be held upon the question of the abandonment of the consolidation of said district, at a time and place so specified in such notice. At such election, the board of education of said Consolidated School District shall elect from their number a chairman and clerk who shall be the officers of the meeting. The chairman shall appoint two tellers and the meeting or election shall be conducted as are the regular annual school meetings. The vote of such election or meeting shall be by ballot which shall read "For Abandonment of Consolidation" or "Against Abandonment of Consolidation." The officers of such meeting or election shall within ten (10) days certify the result of the vote to the county superintendent. If a majority of all of the electors of such consolidated district, vote in favor of abandonment, the county superintendent shall on the first day of July immediately following such election make proper orders to give effect to such vote and shall transmit a copy thereof to the auditor of the county and to the clerk of the said District affected, and also to the Superintendent of Public Instruction. The county superintendent shall also immediately cause ten (10) days' posted notice in each of the former districts included in said abandoned Consolidated School District, of a meeting to be held for the purpose of electing a chairman, clerk and treasurer for each common school district and a Board of Education and a treasurer for the Independent District therein which territory shall thereafter be and remain a school district and be governed by the general laws of the State of South Dakota applying to school districts, until changed or divided by the provisions of law applying thereto.

§ 3. For the purpose of determining the number of electors within such Consolidated School District for such election, the county superin-

tendent shall, immediately upon filing of petition asking for such election, appoint three of the members of the board of education of said Consolidated School District who shall constitute a board of registration. Such registration board shall meet on the second Tuesday following the date of their appointment, at the place designated for holding such election, and shall meet again on the following Tuesday; and shall be governed by the laws on Municipal Registration as found in Sections 7086 to 7096 inclusive, of the Revised Code of 1919; except that where the law applies to cities and towns, this shall apply to Consolidated School Districts; provided however, that any person whose name does not appear on such reistration list, but who votes at such election, upon executing proper affidavit, shall have his name added to such registration list and shall be counted as one of the electors in said district.

§ 4. All properties, acquired by the Consolidated School District seeking to be dissolved under this Act and where such Consolidated District has been dissolved, shall be re-distributed by the county superintendent to the school districts which are created from the dissolved Consolidated School District in the same ratio as such property was acquired; provided, however, that such property as formerly belonging to the districts composing such Consolidated School District, shall be returned to the district that previously owned it.

§ 5. Provided, however, that in any consolidated district in which there is an incorporated town or city and which consolidated district comes under the provisions of section one of this act, the several original districts embraced in such consolidated district may vote separately upon the question of abandonment provided none of the common school districts embraced therein have been divided in forming such consolidation and an election may be called and held simultaneously in each of such districts upon the filing of a petition containing the percentage of signatures for each district as provided in Section 2 of this act with the county superintendent of schools. Upon the filing of such petition it shall be the duty of the county superintendent of schools to call the election in the several original districts of such consolidated district to vote upon the question of abandonment. Upon the filing of such petitions the county superintendent of school shall provide for the registration of electors in and for each district. The calling of the election in each district as provided shall be governed by Section 2 of this Act and upon the holding of such election and the canvass of the vote by the county superintendent of schools if it shall be found that seventy-five per cent of all the electors of the original common school districts embraced within such Consolidated District vote for abandonment; then such Consolidated District shall be dissolved and each district shall be reinstated as it originally existed prior to consolidation and property returned as provided in Section 4 of this Act.

Emergency. Approved March 14, 1921.

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## CHAPTER 211, SESSION LAWS 1921

### RELATING TO TRAINING OF TEACHERS

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Chapter 182, Session Laws 1919. (House Bill 119)

Section 1. That Section 1 of Chapter 182 of the Session Laws of 1919 be amended to read as follows:

§ 1. The Superintendent of Public Instruction is hereby authorized to apportion State aid to high schools which shall maintain a Normal Department for the training of teachers with special reference to work in the rural schools of the State. All allotments of State aid to high schools under

the provisions of this Act shall be paid out of the funds of the Department of Public Instruction, appropriated as State aid for such purposes. The amount of State aid apportioned to any high school shall not exceed the sum of One Thousand (\$1,000.00) Dollars per annum. Provided, that any unexpended balance remaining in the fund already appropriated as provided in Chapter 182 of the Session Laws of 1919 shall not revert to the general fund, but shall be carried forward into the State aid funds of the Department of Public Instruction provided for the biennium ending June 30, 1923. Provided, further that this Act shall not be construed as repealing any appropriation made in Chapter 182 of the Session Laws of 1919 for the fiscal year ending June 30, 1921.

• Approved March 12, 1921.

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## CHAPTER 200, SESSION LAWS 1921

### RELATING TO COMPULSORY EDUCATION

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Chapter 169, Session Laws 1919. (House Bill 187)

Section 1. That Section 8 of Chapter 169 of the Session Laws of 1919 be amended to read as follows:

§ 8. (a) All expenses incurred in maintaining evening school classes and otherwise enforcing and administering the provisions of this Act, shall be paid out of the funds of the Department of Public Instruction appropriated as State aid for such purposes; provided, that after June 30, 1921, not to exceed the sum of five thousand (\$5,000.00) dollars of the aforementioned fund shall be used for salaries and traveling expenses of employees in any one year.

(b) Provided further, that if the appropriation made in Chapter 169 of the Session Laws of 1919 shall be insufficient to pay all claims for State aid for the establishment of evening school classes which have been approved prior to July 1, 1921, then such claims shall be paid out of the appropriation for State aid to rural and consolidated schools as provided in Chapter 49 of the Session Laws of 1919 for the fiscal year ending June 30, 1921

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## CHAPTER 142, SESSION LAWS 1921

### CHILD WELFARE COMMISSION

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§ 1. **Appointment.** The State Child Welfare Commission shall appoint in each county two persons, resident therein, at least one of whom shall be a woman, who shall serve without compensation except as may be agreed upon by the county commissioners, and hold office for two years, and who together with the county superintendent of schools, the county superintendent of health and the county judge, shall constitute a child welfare board for the county, which shall select its own chairman.

§ 2. **Duties.** The Child Welfare Board shall perform such duties as may be required of it by said State Child Welfare Commission, in furtherance of the purposes of this Act; and may appoint from their number or otherwise, a secretary and all necessary assistants, who shall receive from the county such salaries as may be fixed by the county child welfare board with the approval of the county commissioners. The county welfare board shall make such visitations and reports as the State Commission may request and act in a general advisory capacity to the county and municipal

authorities in dealing with questions of dependency and delinquency, and social conditions generally.

**§ 3. Co-operation With Organization.** In counties where there are cities which already have a local board of welfare or other social agencies, or which may wish to establish such, the governing bodies of such cities may make such arrangements with the county commissioners to consolidate the work under the authority and supervision of the county child welfare board as may be mutually agreed upon with such division of expenses as may be equitable. The governing bodies of such cities and the county commissioners are hereby authorized to make such provision for the expense of carrying on the work as they may deem advisable and may delegate to the county child welfare board necessary power.

Approved March 12, 1921.

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## CHAPTER 203, SESSION LAWS 1921

### RELATING TO THE USE OF THE ENGLISH LANGUAGE IN ALL SCHOOLS

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**§ 1.** It is the civic right of every child of school age to receive instruction in the subjects outlined in the State course of study and mentioned in Chapter 168, Laws of 1919, in the English language, for a term provided in the State course of study and in the laws of the State, until such child shall have completed the eighth grade; and it shall be unlawful for any person or persons to act, aid, assist, advise or be instrumental in abridging or attempting to abridge the privilege of any child to receive such instruction by submitting therefor instruction in some foreign language either by shortening the course of instruction in English in any school or by coercing, requiring or inducing any child to withdraw from a school in which instruction is given in English to attend a school in which instruction is given in any foreign language, or to establish a school in which instruction is given in any foreign language as a substitute for a school in which English is the sole medium of instruction.

**§ 2.** It shall be unlawful at any time during the months from September to May, both inclusive, for any person or persons or corporation to occupy or use any public school room or other public building in this State for the purpose of giving instruction in any foreign or ancient language or for teaching any subject, or subjects, in any excepting the English language except as permitted by the State Course of Study and in conformity with the provisions of Chapter 168 of the Session Laws of 1919; and it shall be unlawful during the time above specified for any school board or officer to authorize or permit the use of any public school room or other public building within this State for the purpose of teaching any foreign or ancient language or for the purpose of teaching any subject in such language contrary to the provisions of this section and of the laws herein before referred to. Provided, that nothing herein contained shall be construed to interfere with religious exercises on days other than school days.

**§ 3.** Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment in the county jail for a period not less than thirty days nor more than ninety days, or both such fine and imprisonment.

Approved March 11, 1921.

**CHAPTER 210, SESSION LAWS 1921**  
**OATH OF ALLEGIANCE FOR TEACHERS**

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§ 1. That no teacher's certificate of any grade shall hereafter be issued in this State unless the applicant shall first take and subscribe an oath to support the Constitution of the United States and of the State of South Dakota, which shall be kept on file in the office of the Superintendent of Public Instruction.

§ 2. No teacher shall hereafter be employed in any private or parochial or public school, or in any other educational institution within this State who shall not have taken and subscribed an oath of allegiance as required in Section one hereof, either preliminary to the issuance of his teacher's certificate or at the time of his employment; in the latter case such oath shall be attached to and become a part of his contract of employment.

§ 3. No school board or officer shall hereafter employ as a teacher any person who shall refuse to take the oath of allegiance hereinbefore provided for.

§ 4. Any teacher who shall have publicly reviled, ridiculed or otherwise spoken or acted with disrespect and contumacy towards the flag of the United States or its official uniforms or insignia, or towards the system of government of the United States and its Constitution, or shall refuse to take the and subscribe the oath of allegiance hereinbefore required, shall thereafter forever be disqualified to teach in any public school within this State, and the certificate of any such teacher shall be revoked by the Superintendent of Public Instruction upon satisfactory proof of the commission of any such offense.

Approved Feb. 8, 1921.

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**CHAPTER 145, SESSION LAWS 1921**  
**COMMUNITY CENTERS**

§ 1. A community center may be created and a community house therein erected, maintained, operated and managed in any tract of contiguous territory containing not less than sixteen square miles or a population of at least one hundred inhabitants, such territory to be bounded by township or school district lines; provided, that any such community may comprise two or more townships or school districts. Such house, if dedicated to the memory of Soldiers and Sailors of the United States, may be called "The Memorial Community House," of such district.

§ 2. A petition praying for the submission of the question of establishing such a community center to the electors of such tract, may be presented, if wholly within any township or school district, to the chairman of the township or district board, and if comprising territory in two or more such townships or districts, to the chairman of the corporation having the greatest area in such proposed district. Such petition shall designate a proposed name and shall describe the boundaries of the proposed community center, which shall not include any territory included in any community center already organized, and shall be signed by at least one-fourth of the electors, resident therein, qualified to vote at general elections.

§ 3. Said officer shall within ten days of the receipt of said petition notify the said officers of any other public corporation a part of whose territory is included of the receipt of said petition, and shall set a date

and place for a meeting if all such officers for the purpose of fixing a time and place for holding such community center election, at which time and place it shall be their duty to meet and fix the time and place for holding the election hereinafter provided for, which shall not be more than sixty days after presentation of the petition. If any officer is unable to attend such meeting he shall delegate one of the other officers of his township or district, as the case may be, to attend and act in his place. In case said tract lies within a single public corporation, the officer to whom the petition is presented shall, within five days of its receipt, fix a time and place for holding such election. The election shall be noticed and conducted for the entire tract of territory which is to be included in the proposed community center by the election officers of the corporation in which the election is to be held.

§ 4. The time and place of such election being fixed, the person to whom the petition was presented shall forthwith notify the clerk of his corporation of the time and place fixed for such election, and such clerk shall at once cause ten days' notice of such election to be given by posting a copy thereof in at least six different public places in such tract or territory, or by publishing such notice in any newspaper published therein once each week for two weeks immediately prior to the time set for holding the election. The election shall be conducted and the vote canvassed according to the statutes for conducting school district meetings.

§ 5. In all cases the vote shall be by ballot, with separate ballot boxes for each public corporation of which any territory is included in the petition. Ballots written or printed shall be either "for the community house," or "against the community house," or either "Yes" or "No" or any other designation plainly showing the voter's intent. If a majority of the electors voting from each public corporation of the territory proposed to be included are in favor of such organization, the proposal shall be deemed carried; otherwise not. If carried, the result shall then be certified at once by the election officers within six days thereafter to the clerk of each township or district concerned, and to the clerk of the county, and by the latter promptly to the Secretary of State, each of whom shall file such certificate, and such tract or territory shall thereupon constitute a public corporation from the date of such election of the name designated in the petition.

§ 6. The expenses, if any, of any such election conducted for the purpose of determining a community center shall be borne in the first instance by the municipality to whose officer the petition is presented, which shall have a claim therefore against the community center corporation, if organized, and if defeated, against each other corporation for its share apportioned on the basis of the assessed valuation of the territory included in the petition as last determined by the local boards of equalization.

§ 7. The officers of such community center shall be the same as the school officers of the district or township of which it is composed; provided that if such community center shall comprise two or more townships or districts, then the joint school boards of such component corporations shall elect from the members a board of three persons to manage such community center which board shall elect one of its members chairman, one as secretary, and one as treasurer of the community center. The officers of the community center shall hold their offices for the same period as do the school officers of the same district.

§ 8. It shall be the duty of the board of directors of the community center to hold one annual meeting on the last Tuesday in June and such special meetings, as they may desire. At the annual meeting the board shall carefully examine the account of the treasurer and make up a full and itemized report of all receipts and expenditures since the last annual

meeting and a statement of the amount necessary to be raised by taxes for the maintenance of the community house for the ensuing year. The expenses of maintaining such community center shall be divided between the public corporations comprising the same in proportion to their respective populations and it shall be the duty of the respective townships or school boards to levy a tax each year of not to exceed five mills on each dollar of assessed valuation for the purpose of maintaining such community house which tax when collected shall be paid over to the treasurer of the community center.

§ 9. Such community house shall be used for the following purposes: Public gatherings for information, discussion, recreation, amusement, public banquets, suppers, and festivals; athletic games; rest rooms; rooms for community agricultural projects; and such other purposes as the electors may deem fit; and the board shall adopt rules and regulations governing its maintenance, operation and management.

Approved March 12, 1921.

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## CHAPTER 62, SESSION LAWS 1921

### PLANS FOR RURAL SCHOOL BUILDINGS

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There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of two thousand (\$2,000.00) dollars for the purpose of providing plans and specifications of one-room and two-room rural school buildings. Blue print copies of these plans shall be furnished by the Superintendent of Public Instruction free of charge to school officers upon application through the county superintendent of schools of the several counties of the State. The funds herein appropriated shall be paid out on warrants drawn by the State Auditor upon vouchers approved by the Superintendent of Public Instruction.

Emergency.

Approved March 12, 1921.

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## CHAPTER 205, SESSION LAWS 1921

### COUNTY HIGH SCHOOLS

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§ 1. That county high schools may be established in any of the counties of this State in compliance with the following provisions:

No county high schools shall be located within three miles of the corporate limits of a city having a population of fifteen hundred (1,500) inhabitants or more, and such city or the independent school district containing such city shall be exempt from the provisions of this Act. Provided, that any other independent district or consolidated school district maintaining a four-year accredited high school shall be exempt from the provisions of this Act, and no tax for county high school purposes shall be levied upon the assessable property thereof except as hereinafter provided. In reckoning the population of towns and cities for the purpose of determining the provisions of this Act, the latest official figures of the United States Census Bureau shall constitute the basis. Provided further, that a county high school once established under the provisions of this Act shall not be dissolved on account of an increase in population or the extension of the territorial limits of the village, town or other municipal corporation in which it is situated.

§ 2. Whenever in the opinion of any of the citizens of any county residing outside the territorial limits of the districts exempted from the provisions of this Act, it shall be deemed wise to establish one or not to exceed two county high schools, a petition or petitions may be executed which shall designate the location of the county high school or high schools to be established; such petition or petitions may also state the amount of bonds to be issued, if any, for the erection of buildings. If such petition or petitions containing the properly verified signatures of twenty-five per cent of the qualified electors of the territory of such county to be included in the county high school district shall be filed with the county auditor, the board of county commissioners shall at its next regular meeting following the presentation of the petition, consider such petition and shall submit the question of establishing and maintaining such county high school or high schools to the electors of such county within sixty days after such meeting. Such special election shall be held in the manner and upon the notice prescribed by law for general elections and the returns shall be made and canvassed in the same manner as provided by law for general elections. The published and posted notices of such election shall state the object of such election, the location of the proposed county high school or high schools, and shall also, if such is stated in the petition, state the amount of bonds, if any, to be issued for the erection of school houses. If a majority of all the votes cast at such special election upon the question of establishing a county high school or high schools, is in favor of the establishment thereof, the proposition shall be declared carried and a county high school district duly created. The board of county commissioners shall forthwith instruct the county superintendent to proceed with the organization of the county high school board as hereinafter provided, and to notify the Superintendent of Public Instruction of the establishment of such county high school.

Provided, that if a regular general election shall occur within six months after the presentation of the petition, the question of the establishment of the county high school shall be submitted on a separate ballot at the regular general election.

§ 3. **County High School Board.** The county high school board shall consist of the county superintendent of schools, one member appointed by the board of county commissioners, two members elected by the qualified voters of the county at the general election, and one resident freeholder of the county appointed by the State Superintendent of Public Instruction. The elected members shall serve for two years and shall qualify on the same day as other county officers. All vacancies on the county high school board shall be filled for the remainder of the unexpired term by the remaining members acting as the county high school board at the next session of the board after such vacancies occurs. The two appointed members shall also serve for term of two years. The county superintendent shall be president of the county high school board, and the county treasurer shall act as treasurer of the county high school board, and the board shall appoint one of its number to act as secretary, who shall receive such additional compensation as the board may determine, but such additional compensation shall not exceed One Hundred (\$100.00) Dollars in any one year.

§ 4. **Compensation of Members and Meetings of Board.** The president shall receive no per diem or other compensation as a member of the board, but may receive actual traveling expenses when away from the county seat on official business of the county high school board. The remaining members shall receive five dollars (\$5.00) per day for each session attended and actual traveling and hotel expenses, payable from the funds of the county high school board in the same manner as prescribed for other county officials. The county high school board shall meet at the

county seat or such other place within the county as may be determined by the board on the third Tuesday of the months of January, April, July and October, and at such other times as may be necessary on the call of the president of the board. Provided, that upon request of any three members of the board, the president shall call a meeting of the county high school board.

§ 5. Powers and Duties. The county high school board shall have the same powers and perform the same duties as boards of education in independent school districts, insofar as is applicable. In addition it shall have power to provide a dormitory or dormitories as hereinafter provided; to purchase land not to exceed forty acres to be used as agricultural experiment plots; to accept any grounds, buildings or moneys that any person, school corporation or municipal corporation may wish to donate for the purpose of maintaining or assisting to maintain a county high school; to rent such buildings or class rooms as may be expedient; to lease any room or rooms in the buildings under its supervision not in immediate use, to a school corporation or other persons for any purposes it may deem wise; to make such arrangements as may be just and equitable with any board of education or school board relative to providing instruction for the high school pupils of such district, in the county high school. It shall also have power to rent such rooms or buildings as may be necessary at various times to properly conduct the affairs of the county high school district and to perform such other acts as may be necessary in the management of the county high school.

The county high school board shall, previous to August 1st of each year, make an estimate of the probable cost of maintaining the county high school for the ensuing year and shall submit the same to the county commissioners who shall levy a special tax for this purpose. The county commissioners shall levy such tax upon all the assessable property of the county except the taxable property within any school district maintaining a four-year accredited high school, other than a county high school. Such tax for county high school purposes shall be computed, entered on the tax roll of the county and collected in the same manner as are other county taxes and the amount so collected shall be deposited in the county treasury and be known and designated as the county high school fund. The county treasurer shall pay out money from this fund only on warrants authorized by the county high school board, issued by the secretary and countersigned by the president of the board. The levy for maintaining county high schools shall not be less than one-half mill nor more than three mills on the dollar of the assessed valuation of the county.

Provided, that no bonds shall be issued under the provisions of this Act in an amount in excess of one per cent of the total assessed valuation of all property within the county. Such bonds shall be in denominations of not over one thousand dollars (\$1,000.00) nor less than one hundred dollars (\$100.00) and shall not run for a term of more than twenty (20) years and shall draw interest not in excess of seven (7) per cent. Said bonds may be issued in addition to all other bonds of the county.

The county high school board shall request the county commissioners at or before the time of issuing the bonds after the same have been voted to provide for the levy of an annual tax, sufficient to pay the interest and principal thereof when due, and all such levies when legally made shall be irrevocable until such debt shall be paid. Provided further, that such levy in a year shall not be greater than twenty per cent (20%) of the debt to be paid. The county high school board may, in its discretion, instruct the county commissioners to purchase any of its outstanding bonds at their market value and pay for the same out of the sinking fund thereby created.

Provided further, that the funds thus provided for the maintenance and establishment of a county high school shall at no time be used for the maintenance or establishment of schools or grades of schools or rank below the eighth grade. Provided, that in all matters not especially covered by the provisions of this statute, such as issuing of bonds, the employment of teachers, and the course of study, the laws pertaining to and governing the management and control of the affairs of independent districts shall apply to the affairs of the county high school.

Any person being a resident of the county in which a county high school is maintained and holding an eighth grade diploma issued or endorsed by the county superintendent shall be entitled to attend the county high school without payment of tuition or other expense for instruction except laboratory fees, and fees for individual instruction outside the regular class hours of the school. Students who are not residents of the county in which the county high school is located may be admitted to such high school on payment of a tuition fee of not less than five (\$5.00) dollars nor more than ten (\$10.00) dollars per month, to be determined by the actual cost of instruction per pupil in the county high school. Provided, that no pupil from outside the county shall be accepted to the exclusion of any pupil resident of the county in which such county high school is located who is desirous of attending such high school.

**§ 6. Additional Powers.** In addition to the powers already granted to the county high school board in this Act, the county high school board may erect, purchase or lease one or more buildings to be used as dormitories for the accommodation of pupils in attendance at the county high school and of persons employed to teach therein and may furnish and equip the same from the high school funds of the county. It shall be the duty of the board to fix the rates, if any, to be charged students for rooms in the dormitories and to place in charge of each building used for dormitory purposes a competent and responsible person who shall act as matron and shall have charge of the conduct of the dormitory, subject to the rules and regulations of the board.

The county high school board may, if in its judgment it deems best, require any of its employees to give a bond to the county in the sum of one thousand (\$1,000.00) dollars as surety for the proper care and use of such property of the county as may be entrusted to their care.

The board shall have further authority to purchase and supply in the manner deemed most efficient and economical, such groceries and food-stuffs and other supplies as may be necessary to furnish meals to the students, teachers and other employees of the county high school at a uniform, reasonable cost which shall be determined by the county high school board.

**§ 7. Teachers and Course of Study.** The county high school board shall employ a principal of the high school who shall possess all the qualifications necessary for a principal of a four-year-accredited high school and who shall be employed for twelve months in the year. The board shall employ such other teachers as may be necessary to maintain a four-year accredited high school. The course of study pursued in all county high schools established under the provisions of this Act shall be submitted to the Superintendent of Public Instruction for approval and shall contain special courses in vocational agriculture, home economics and rural teacher training, which courses shall be entitled to receive State aid in the same manner as is provided for such other State aid departments in high schools of the State. Provided further, that if in the judgment of the county high school board there is sufficient demand therefor, it may order established night schools for instruction in citizenship or such other instruction as it may deem expedient.

§ 8. Provided, that any independent district or territory not included within the county high school district at the time of the organization of the high school district, may avail itself of the provisions of this Act upon a majority vote of the electors of such independent district or territory, cast at a special election called for that purpose in the same manner as is provided for other special elections.

Approved March 12, 1921.

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## CHAPTER 67, SESSION LAWS 1921

### STATE AID FOR COMMON SCHOOLS

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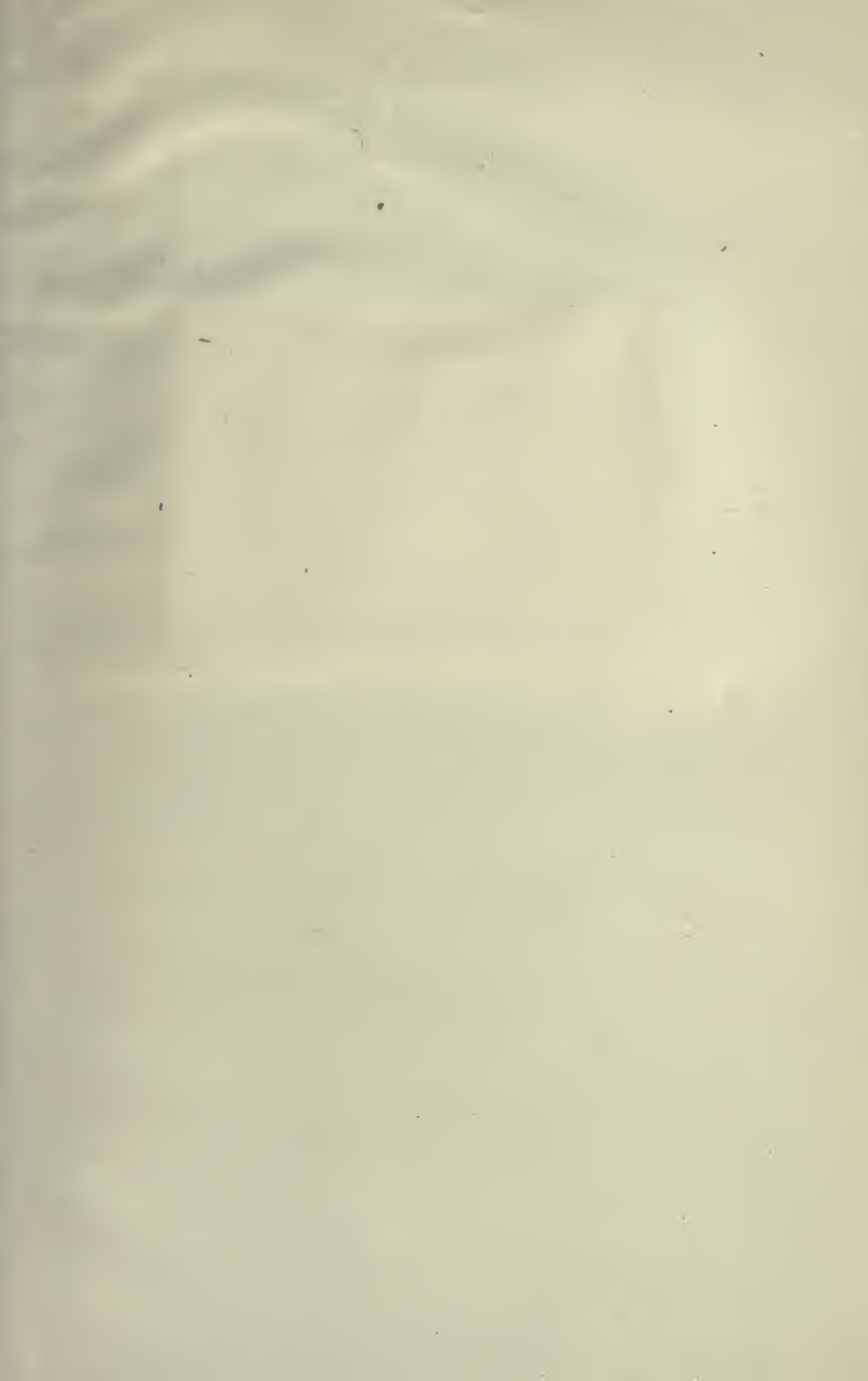
§ 1. There is hereby appropriated out of the general fund of the State of South Dakota, the sum of Twenty Thousand Dollars (\$20,000.00) for the fiscal year ending June 30, 1922, and Twenty Thousand Dollars (\$20,000.00) for the fiscal year ending June 30, 1923, in aid of the common schools of this State.

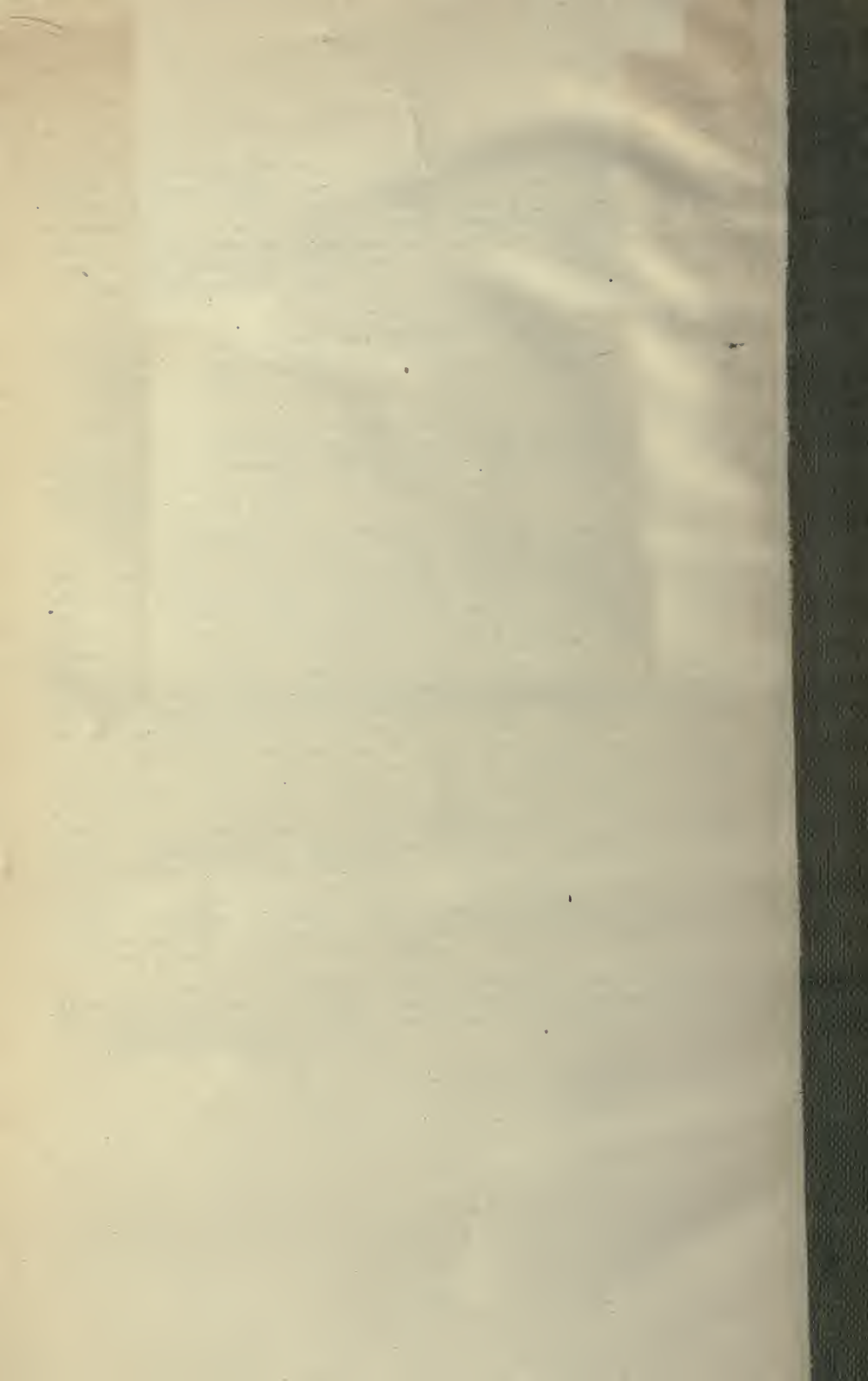
§ 2. The amount so appropriated shall be annually divided among and distributed to the several counties of this State for the use and benefit of and in aid of the common schools thereof, and the county treasurer of each county receiving aid shall redivide and redistribute the same to and for the use and benefit of the common, or consolidated schools of his county, in proportion to the acreage of indemnity and endowment lands owned by this State in each respective school district situated therein ;provided, that the amounts received by any school district in any year shall not exceed the equivalent of four cents per acre for each and ever acre of State owned indemnity and endowment lands, situated within such school district. Provided, that such aid shall not be granted to any such district that has not in the previous year made a school levy of at least 4 mills. In no case shall said aid together with said levy and apportionment exceed the amount used for school purposes in the district during the year for which said aid is granted, and provided, further, that said State aid shall in no case exceed one-half the total cost of running the school. Money used for building school houses or purchase of ground is not to be taken into consideration.

§ 3. It shall be the duty of the Commissioner of School and Public Lands to supply to the several county auditors of this State, the description of all unsold State Indemnity and Endowment Lands, situated within the organized school districts of his county.

§ 4. The State Auditor is hereby authorized to issue warrants on the above appropriation on vouchers approved by the Commissioner of School and Public Lands, and the State Treasurer is authorized to pay the same

Approved February 25, 1921.





PAT. JAN. 21, 1908

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